89-10

STATE OF CONNECTICUT
STATE ETHICS COMMISSION

September 12, 1989

P R E S S R E L E A S E

On August 7, 1989, State Ethics Commission Staff Attorney Brenda M. Bergeron filed a complaint (Docket No. 89-10) against Mr. Owen M. Hayden. Mr. Hayden is the chief maintenance employee at Somers Correctional Institution. A copy of the complaint is attached.

On September 11, 1989, the State Ethics Commission and the Respondent settled this matter by entering into a Stipulation and Order, a copy of which is attached. As part of the agreement, the Respondent must pay a civil penalty of $500.00.

FOR FURTHER INFORMATION CALL:

Brenda M. Bergeron, Esq.
or
Alan S. Plofsky, Esq.
State Ethics Commission
566-4472

Phone: (203) 566-4472
97 Elm Street — Rear [redacted] • Hartford, Connecticut 06106
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STATE OF CONNECTICUT
STATE ETHICS COMMISSION

CONFIDENTIAL

DOCKET NUMBER 89-10	)	STATE ETHICS COMMISSION
IN THE MATTER OF A	)	97 ELM STREET (REAR)
COMPLAINT AGAINST	)	HARTFORD, CONN. 06106
MR. OWEN M. HAYDEN	)	SEPTEMBER 5, 1989

STIPULATION AND ORDER

1. The Commission finds the Respondent violated Conn. Gen. Stat. §§1-84(b), 1-84(c) and 1-86, as alleged in the Complaint.

2. Respondent does not contest the Commission's findings. Respondent states his actions in this matter were unintentional in that he mistakenly believed, after consultation with legal counsel, that as long as his private company did not bill or receive payment from the Department of Corrections, he would be in compliance with the Code of Ethics for Public Officials.

3. The Respondent waives any rights he may have under Conn. Gen. Stat. §§1-80, 1-82 and 1-82a, including the right to a hearing in the case, and agrees with the State Ethics Commission to an informal disposition of this matter as authorized by Conn. Gen. Stat. §4-177(c).

WHEREFORE, the State Ethics Commission enters, and Mr. Owen M. Hayden agrees to, these orders: In lieu of any other action it is authorized to take with respect to this matter, the Commission orders the Respondent to (1) pay a civil penalty of $500 within thirty days; and (2) henceforth, comply with the requirements of Conn. Gen. Stat. §§1-84(b), 1-84(c) and 1-86 of the Code of Ethics for Public Officials.

Owen M. Hayden

Respondent, Owen M. Hayden
1353 North Stone Street
West Suffield, Conn. 06093

Sept. 6, 1989
Dated

William A. Ellis

Chairperson
State Ethics Commission

9/11/89
Dated

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ETHICS COMMISSION DOCKET NO. 89-10

CONNECTICUT STATE ETHICS COMMISSION
97 ELM STREET (REAR)
HARTFORD, CONNECTICUT 06106
TELEPHONE NUMBER 566-4472

COMPLAINT

E STATE ETHICS COMMISSION ISSUES A COMPLAINT ALLEGING A VIOLATION
:

XX THE CODE OF ETHICS FOR PUBLIC OFFICIALS AND STATE EMPLOYEES, CHAPTER 10, PART I, GENERAL STATUTES

_____ THE CODE OF ETHICS FOR LOBBYISTS, CHAPTER 10, PART II, GENERAL STATUTES

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1E AND DATE MATTERS COMPLAINED OF OCCURRED:

On or about October 6, 1988 through October 14, 1988.

ACE VIOLATION OCCURRED:

Somers, Connecticut.

RSONS INVOLVED:

Mr Owen M. Hayden

TNESSES:

To be supplied prior to any hearing on this matter.

RCUMSTANCES WHICH INDICATE THAT THE CODE OF ETHICS DESIGNATED OVE WAS VIOLATED ARE AS FOLLOWS (A SHORT, PLAIN STATEMENT ALLEGING VIOLATION OF CHAPTER 10, GENERAL STATUTES):

(See attached)

(OVER)

000222

Brenda M Bergeron
SIGNATURE

August 7, 1989
DATE

COMPLAINANT'S NAME AND ADDRESS: STATE ETHICS COMMISSION
97 FILM STREET (REAR)
HARTFORD, CT 06106

COMPLAINANT'S TELEPHONE NUMBER: 566-4472

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It is hereby alleged that:

1. Owen M. Hayden (hereinafter the Respondent) is the chief maintenance employee at Somers Correctional Institution ("Somers") and is therefore a state employee as that term is defined in Conn. Gen. Stat. §1-79(m).

2. Respondent is also an officer, director and shareholder of a private corporation known as Sub-Surface Informational Surveys, Inc.

3. On or about October 6, 1988, a private fence contractor, Frankson Fence Company (hereinafter "Frankson"), while performing contract work at Somers, encountered some subsurface materials which interfered with the continuation of Frankson's work.

4. Respondent's duties at Somers included overseeing Frankson's work for the prison.

5. On or about October 6, 1988, Respondent, while performing his state duties at Somers, told Frankson that he, the Respondent, had a company which could provide needed subsurface information for Frankson at Somers.

6. Respondent failed to notify his immediate superior, in writing or otherwise, of Respondent's action with regard to the private corporation in which he had a financial interest.

7. On or about October 14, 1988, Respondent's private corporation did subsurface work for Frankson at Somers.

8. Respondent's failure to notify his immediate superior of the potential conflict between the performance of his official duties and his interest in the private business was a violation of Conn. Gen. Stat. §1-86.

9. Respondent's recommendation of his private business to Frankson, while supervising Frankson's work at Somers, was a violation of Conn. Gen. Stat. §1-84(c).

10. Respondent's independence of judgment was impaired, in violation of Conn. Gen. Stat. §1-84(b), when he accepted employment for his private business at Somers while he was also in charge of supervising the work performed there.